

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06MC31

JERRY RYAN, On behalf of Himself and All
Others Similarly Situated,

Plaintiff,

vs.

FLOWSERVE CORPORATION, *et al.*,

Defendants.

ORDER

This matter is before the court upon Plaintiffs' Motion to Compel Third-Party Customer Duke Energy Corporation's Production of Responsive Documents, filed September 29, 2006. Briefing has only recently been completed in this matter, and the court has reviewed the filings of the parties. Upon such review, the court has determined that a hearing will be necessary on this motion. The court is contemplating setting such a hearing during the last week of January, 2007. Out of town counsel will be required to attend.

Plaintiffs should come to the hearing prepared to explain to the court the precise nature and extent of their review of the documents already produced by Flowserve, including those produced in electronic format. Duke Energy should be prepared to address how its purchasing records are kept and organized.

The court will notify the parties once a date and time has been set for the hearing.
IT IS SO ORDERED.

Signed: December 12, 2006



Graham C. Mullen
United States District Judge

